

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6097

BILL NUMBER: HB 1036

NOTE PREPARED: Oct 27, 2004

BILL AMENDED:

SUBJECT: Drunk Driving and Prisoner Reimbursement.

FIRST AUTHOR: Rep. Neese

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a court to imprison a person for at least 60 days if: (1) the person committed a Class A misdemeanor or felony under the law concerning operating a vehicle while intoxicated; and (2) the person's driving privileges were already suspended under that law when the person committed the offense. The bill requires: (1) prisoners to reimburse counties for costs of incarceration; and (2) counties to establish a nonreverting prisoner reimbursement fund. It repeals conflicting provisions concerning prisoner reimbursement.

Effective Date: July 1, 2005.

Explanation of State Expenditures: Under the bill, if an offender's driving privileges have been suspended and the offender is convicted of a new drunken driving law violation or the offender committed a Class A misdemeanor or felony under the drunken driving laws, the offender would have to be imprisoned for at least 60 days. On average, felony offenders serving a term of incarceration in a state facility serve a sentence greater than 60 days. If the offender violating this provision by committing a felony offense would have served a term of incarceration less than 60 days in a state facility, then costs to the state could increase.

The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. If an offender would otherwise have served less than 60 days of incarceration or completed community service in lieu of a jail sentence, the length of stay in a county jail may increase. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

To the extent that courts would order a prisoner to reimburse incarceration expenses, the prisoner is able to pay the reimbursement, and the amount reimbursed covers county expenditures, under the bill, costs of additional incarceration would be paid by the prisoner.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Counties.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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